

App. No. 10/044,294
Amendment Dated: May 6, 2004
Reply to Office Action of February 6, 2004

REMARKS/ARGUMENTS

According to the Office Action mailed on February 6, 2004, Claim 50 is rejected under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Claims 1, 40-42 and 44-60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (U.S. Patent No. 4,910,511) in view of Gaskill (U.S. Patent No. 5,757,782). Claims 1 and 50 have been amended. Applicants respectfully request reconsideration and allowance of all pending claims.

I. Rejection Under 35 U.S.C. § 112

Claim 50 is rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. The Office Action indicates that Claim 50 recites the limitation "said encoder and said packet assembler" in lines 4-5 of the claim, and that there is insufficient antecedent basis for this limitation in the claim. Claim 50 has been amended to correct the insufficient antecedent basis. Reconsideration of claim 50 is respectfully requested.

II. Rejections Under 35 U.S.C. 103(a)

Claims 1, 40-42 and 44-60 are rejected in the Office Action under 35 U.S.C. 103(a) as being unpatentable over Nagata et al. (U.S. Patent No. 4,910,511) in view of Gaskill (U.S. Patent No. 5,757,782). Applicants respectfully disagree as explained below.

With regard to claim 1, amended claim 1 recites, "a broadcast transmitter configured to transmit broadcast information according to a first transmission type over a subcarrier channel to

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a wide area on a predetermined schedule" and "a localcast transmitter configured to transmit local information according to a second transmission type over a local area, wherein the local area is smaller than the wide area and the first transmission type is different than the second transmission type."

None of the cited references, including Nagata et al., disclose two different transmission types (as recited in amended claim 1) for local-area transmission and wide-area transmission. Nagata et al., at most, describes a single transmission type that selects one of two difference frequencies for two channels of communication. (See column 4, lines 36-53) Similarly, Gaskill, at most, describes a single transmission type that corresponds to receiving communication across a subcarrier channel. (See column 4, lines 29-36) Therefore, Nagata et al. in view of Gaskill does not teach or suggest all the claim limitations of amended claim 1. As a result, amended claim 1 is patentable over Nagata et al. in view of Gaskill, and allowance of claim 1 is respectfully requested.

Claims 44-49 are dependent upon claim 1. Claims 44-49 are therefore patentable over Nagata et al. in view of Gaskill for at least the reasons stated above with regard to claim 1, and allowance of claims 44-49 is respectfully requested.

With regard to claim 40, claim 40 recites "a broadcast transmitter configured to transmit to a device over a subcarrier channel to a wide area" and "a localcast transmitter coupled to the data source and configured to transmit to a device over a local area and in a locally-unused FM frequency". Transmission over a subcarrier channel is a different type of transmission than transmission over a locally-unused FM frequency. Accordingly, claim 40, similarly to amended

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claim 1, discloses two different transmission types. As previously stated with regard to amended claim 1, none of the cited references disclose two different transmissions types for local-area transmission and wide-area transmission. As a result, claim 40 is patentable over Nagata et al. in view of Gaskill, and allowance of claim 40 is respectfully requested.

With regard to claim 41, claim 41 recites "a broadcast transmitter configured to transmit to a device over a subcarrier channel to a wide area" and "a localcast transmitter coupled to the data source and configured to transmit to and receive data from a device over a local area and in a locally-unused FM frequency". These limitations of claim 41 are similar to the limitations of claim 40. As previously stated with regard to amended claim 40, none of the cited references disclose two different transmission types for local-area transmission and wide-area transmission. As a result, claim 41 is also patentable over Nagata et al. in view of Gaskill, and allowance of claim 41 is respectfully requested.

With regard to claim 42, claim 42 recites "a device configured to receive a wireless communication transmitted in a broadcast mode, wherein the broadcast mode includes data transmitted and received over an FM subcarrier channel, the device being further configured to transmit and receive additional wireless communications transmitted in a localcast mode, wherein the localcast mode includes data transmitted and received over a locally-unused FM channel." Again, transmission over a subcarrier channel is a different type of transmission than transmission over a locally-unused FM channel. Claim 42, therefore recites two transmission types for a localcast mode and a broadcast mode. As previously stated with regard to amended claim 1, none of the cited references disclose two different transmission types for local-area

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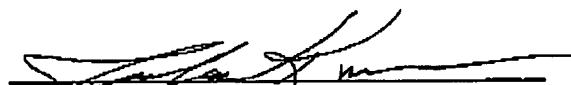
transmission and wide-area transmission. As a result, claim 42 is also patentable over Nagata et al. in view of Gaskill, and allowance of claim 42 is respectfully requested.

Claims 50-60 are dependent upon claim 42. Claims 50-60 are therefore patentable over Nagata et al. in view of Gaskill for at least the reasons stated above with regard to claim 42, and allowance of claims 50-60 is respectfully requested.

In view of the foregoing amendments and remarks, all pending claims are believed to be allowable and the application is in condition for allowance. Therefore, a Notice of Allowance is respectfully requested. Should the Examiner have any further issues regarding this application, the Examiner is requested to contact the undersigned attorney for the applicant at the telephone number provided below.

Respectfully submitted,

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